## Senate Study Bill 3074 - Introduced

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE

ON JUDICIARY BILL BY

CHAIRPERSON ZAUN)

## A BILL FOR

- 1 An Act relating to the guardianship of minors.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 232D.103, Code 2020, is amended to read
- 2 as follows:
- 3 232D.103 Jurisdiction.
- 4 The juvenile court has exclusive jurisdiction in a
- 5 guardianship proceeding concerning a minor who is alleged to be
- 6 in need of a guardianship, and guardianships of minors.
- 7 Sec. 2. Section 232D.105, subsection 1, Code 2020, is
- 8 amended to read as follows:
- 9 1. A petition alleging that a minor is in need of a
- 10 conservatorship is not subject to this chapter. Such
- 11 proceedings shall be governed by chapter 633 and may be
- 12 initiated pursuant to section 633.627 633.557.
- 13 Sec. 3. Section 232D.301, subsection 2, paragraph d,
- 14 subparagraph (3), Code 2020, is amended to read as follows:
- 15 (3) Any adult who has had the primary care of the minor or
- 16 with whom the minor has lived for at least six months prior to
- 17 immediately preceding the filing of the petition.
- 18 Sec. 4. Section 232D.302, subsection 2, Code 2020, is
- 19 amended to read as follows:
- 20 2. Notice shall be served upon the minor's known parents
- 21 listed in the petition in accordance with the rules of civil
- 22 procedure. If a parent has not filed an affidavit consenting
- 23 to the appointment of a quardian, the notice shall inform
- 24 the minor's known parents listed in the petition that the
- 25 parents are entitled to representation if the parents meet the
- 26 conditions of section 232D.304.
- 27 Sec. 5. Section 232D.401, subsection 3, unnumbered
- 28 paragraph 1, Code 2020, is amended to read as follows:
- 29 An order by the court appointing a guardian for a minor shall
- 30 state the powers granted to the guardian. Except as otherwise
- 31 limited by court order, the court may grant the guardian the
- 32 following powers, which may be exercised without prior court
- 33 approval:
- 34 Sec. 6. Section 232D.501, subsection 1, paragraph a, Code
- 35 2020, is amended by adding the following new subparagraph:

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- 1 NEW SUBPARAGRAPH. (2A) The guardian's plan, if any, for
- 2 applying for and receiving funds and benefits payable for the
- 3 support of the minor.
- 4 EXPLANATION
- 5 The inclusion of this explanation does not constitute agreement with 6 the explanation's substance by the members of the general assembly.
- 7 This bill relates to the guardianship of minors.
- 8 Under current law, the juvenile court has exclusive
- 9 jurisdiction of guardianship proceedings. The bill provides
- 10 that the juvenile court also has exclusive jurisdiction over
- 11 quardianships of minors.
- 12 The bill changes a Code reference for a petition to appoint a
- 13 conservator for a minor.
- 14 The bill provides that notice of a guardianship proceeding
- 15 must be given to any adult with whom the minor has lived for the
- 16 six months immediately preceding the filing of the petition.
- 17 The bill further provides that if a minor's known parents
- 18 have not consented to the appointment of a guardian, the notice
- 19 of the filing of a guardianship petition shall inform the known
- 20 parents that they are entitled to representation if they meet
- 21 the conditions in Code section 232D.304.
- The bill strikes a reference to "without prior court
- 23 approval" in a Code section listing powers a court may grant
- 24 to a quardian.
- 25 The bill also directs that the initial verified care plan
- 26 must include the quardian's plan for applying and receiving
- 27 funds and benefits for the support of the minor.